

CHAPTER 132
NOTICES FOR TERMINATION OF TENANCIES
S.F. 325

AN ACT relating to the service of notices terminating real estate tenancies.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 562.2, Code 1983, is amended to read as follows:

562.2 **DOUBLE RENTAL VALUE — LIABILITY.** A tenant ~~giving~~ giving ~~serving~~ serving notice of his intention to quit leased premises at a time named, and holding over after ~~such~~ the time, and a tenant or ~~his~~ the ~~tenant's~~ tenant's assignee willfully holding over after the term, and after notice to quit, shall pay double the rental value ~~thereof of the leased premises~~ thereof of the leased premises during the time ~~he~~ the ~~tenant~~ tenant holds over to the person entitled ~~thereto~~ to the rent.

Sec. 2. Section 562.4, Code 1983, is amended to read as follows:

562.4 **TENANT AT WILL — NOTICE TO TERMINATE.** ~~Any~~ A person in the possession of real estate, with the assent of the owner, is presumed to be a tenant at will until the contrary is shown, and thirty days' notice in writing must be ~~given by~~ served upon either party ~~or a successor of the party before he can terminate such a termination of the tenancy; but when in any case.~~ or a successor of the party before he can terminate such a termination of the tenancy; but when in any case. However, if a rent is reserved payable at intervals of less than thirty days, the length of notice need not be greater than such the interval.

Sec. 3. Section 562.6, Code 1983, is amended to read as follows:

562.6 **AGREEMENT FOR TERMINATION.** ~~Where~~ If an agreement is made fixing the time of the termination of the tenancy, whether in writing or not, ~~it~~ the ~~tenancy~~ tenancy shall cease at the time agreed upon, without notice. In the case of farm tenants, except mere croppers, occupying and cultivating an acreage of forty acres or more, the tenancy shall continue beyond the agreed term for the following crop year and otherwise upon the same terms and conditions as the original lease unless written notice for termination is ~~given by~~ served upon either party ~~to the other or a successor of the party in the manner provided in section 562.7, whereupon the tenancy shall terminate March 1 following; provided further.~~ to the other or a successor of the party in the manner provided in section 562.7, whereupon the tenancy shall terminate March 1 following; provided further. However, the tenancy shall not continue because of absence of notice in case if there be is default in the performance of the existing rental agreement.

Sec. 4. Section 562.7, Code 1983, is amended by striking the section and inserting in lieu thereof the following:

562.7 **NOTICE — HOW AND WHEN SERVED.** Written notice shall be served upon either party or a successor of the party by using one of the following methods:

1. By delivery of the notice, on or before September 1, with acceptance of service to be signed by the party to the lease or a successor of the party, receiving the notice.
2. By serving the notice, on or before September 1, personally, or if personal service has been tried and cannot be achieved, by publication, on the same conditions, and in the same manner as is provided for the service of original notices, except that when the notice is served by publication no affidavit is required. Service by publication is completed on the day of the last publication.
3. By mailing the notice before September 1 by certified mail. Notice served by certified mail is made and completed when the notice is enclosed in a sealed envelope, with the proper

postage on the envelope, addressed to the party or a successor of the party at the last known mailing address and deposited in a mail receptacle provided by the United States postal service.

Sec. 5. Section 562.8, Code 1983, is amended to read as follows:

562.8 TERMINATION OF LIFE ESTATE—FARM TENANCY. Upon the termination of a life estate, a farm tenancy granted by the life tenant shall continue until the following March 1 except that if the life estate terminates between September 1 and the following March 1 inclusively, then the farm tenancy shall continue for that year as provided by section 562.6 and continue until notice of termination is given by the holder of the successor the holder of the successor interest serves notice of termination of the interest in the manner provided by section 562.7. However, if the lease is binding upon the holder of the successor interest by the provision of a trust or by specific commitment of the holder of the successor interest, the lease shall terminate as provided by that provision or commitment. This section shall does not be construed to abrogate the common law doctrine of emblements.

Approved May 26, 1983

CHAPTER 133

APPLICATION FOR POLLUTION CONTROL EQUIPMENT EXEMPTION

H.F. 574

AN ACT relating to filing of an application for an exemption from the property tax for pollution-control equipment.

Be It Enacted by the General Assembly of the State of Iowa.

Section 1. Section 427.1, subsection 32, unnumbered paragraphs 4 and 5, Code 1983, are amended to read as follows:

Application for this exemption shall be filed with the assessing authority not later than the first of February of the first year for which the exemption is requested, on forms provided by the department of revenue. The application shall describe and locate the specific pollution-control property to be exempted.

The ~~first annual~~ application for ~~any~~ a specific pollution-control property shall be accompanied by a certificate of the executive director of the department of water, air and waste management certifying that the primary use of the pollution-control property is to control or abate pollution of any air or water of this state or to enhance the quality of any air or water of this state.

Sec. 2. A person claiming the exemption for pollution-control equipment under section 427.1, subsection 32 on the effective date of this Act whose eligibility does not terminate on December 31 of that year must apply for the exemption for the following year but thereafter section 1 of this Act applies.

Approved May 24, 1983